

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 24-cr-201 (ECT/TNL)

Plaintiff,

v.

ORDER

Martrell Devon Burns,

Defendant.

This matter comes before the Court on the Government's Motion to Continue Pretrial Discovery, Response, Motions Filing, and Hearing Dates, ECF No. 16. The Government represents that a continuance is necessary because of the volume of discovery that must be reviewed and disclosed. *Id.* at 2. Therefore, the Government requests that all pretrial deadlines be extended by at least seven days, including the disclosure deadlines, the motions filing deadline, response deadline, and the motions hearing date. *Id.* at 1. The Government requests for the period of continuance to be excluded from computation under the Speedy Trial Act. *Id.* at 2. Defendant Martrell Devon Burns had no objection to the requested continuance. *Id.* at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Government's Motion to Continue Pretrial Discovery, Response, Motions Filing, and Hearing Dates, ECF No. 16, is **GRANTED**.

2. The period of time from **the date of this Order through August 28, 2024**, shall be excluded from Speedy Trial Act computations in this case.

3. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **August 14, 2024**. D. Minn. LR 12.1(a)(2). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **August 14, 2024**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

4. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **August 21, 2024**. D. Minn. LR 12.1(a)(3).

5. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **August 28, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.

6. **Counsel must electronically file a letter on or before August 28, 2024 if no motions will be filed and there is no need for hearing.**

7. All responses to motions must be filed by **September 11, 2024**. *See* D. Minn. LR 12.1(c)(2).

8. Any Notice of Intent to Call Witnesses must be filed by **September 11, 2024**. *See* D. Minn. LR. 12.1(c)(3)(A).

9. Any Responsive Notice of Intent to Call Witnesses must be filed by **September 16, 2024**. *See* D. Minn. LR 12.1(c)(3)(B).

10. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

11. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **October 11, 2024, at 10:00 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

12. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in limine) to District Judge Eric C. Tostrud's chambers on or before ***a date to be determined***. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov.

Judge Tostrud will hold a final pretrial on *a date to be determined* in **Courtroom 7D**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

This case must commence trial on *a date to be determined* before District Judge Tostrud in **Courtroom 7D**, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED**, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.

Dated: August 6, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

United States v. Burns
Case No. 24-cr-201 (ECT/TNL)